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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Peter M. Bonutti

Examiner: Michael H. Thaler

Serial No.: 10/729,634

Group Art Unit: 3731

Filed: December 5, 2003

Docket: 2500 DIV II CON II DIV III CON IV  
(203-3515 DIV II CON II DIV III CON IV)

For: FLUID OPERATED  
RETRACTORS

Dated: February 15, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to applicant's continuing duty of disclosure, it is respectfully requested that the disclosures cited in the annexed Forms PTO/SB/08A and PTO/SB/08B be considered by the Examiner and made of record in the above-identified application.

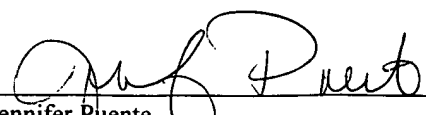
Copies of the Foreign Patent and Other Non-Patent Documents are enclosed for the Examiner's convenience. An English language abstract of FR 2,580,504 is attached for the Examiner's reference. SU 1,323,090 appears to relate to a surgical device for clamping tissue while SU 594,960 appears to relate to an instrument for destructing intrauterine symphyses.

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 15, 2005.

Dated: February 15, 2005

  
Jennifer Puente

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

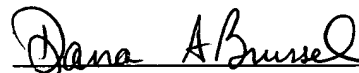
The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- ☐ This information disclosure statement is being filed within three (3) months of the filing date of this application.
- ☐ This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application.
- ☒ To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- ☐ Enclosed herewith is a certificate under 37 C.F.R. §1.97(e)(1).
- ☐ Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(ii).
- ☐ Enclosed by check is the petition fee of \$130.00. (37 C.F.R. §1.17(i)(1))
- ☐ Please charge the \$130.00 petition fee to Deposit Account No. **21-0550**.

- ☐ Enclosed by check is the \$180.00 fee required by 37 C.F.R. §1.17(p).
- ☐ Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. 21-0550.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 21-0550 therefor. **TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.**

The claims of the application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,



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Attorney for Applicant(s)

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DAB/jjp

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Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

**(Use as many sheets as necessary)**

**Complete if Known**

|                        |   |
|------------------------|---|
| Application Number     | 10/729,634  |
| Filing Date            | December 5, 2003  |
| First Named Inventor   | Peter M. Bonutti  |
| Art Unit               | 3731  |
| Examiner Name          | Michael R. Thaler   |
| Attorney Docket Number | 2500 DNV II CON II DIV III CON IV (203-3515 DNV II CON II DIV III CON IV) |

|       |   |    |   |
|-------|---|----|---|
| Sheet | 1 | of | 3 |
|-------|---|----|---|

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T <sup>6</sup> |
|--------------------|-----------------------|---|--------------------------------|---|---|----------------|
|                    |                       | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) |                                |   |   |                |
|                    |                       | 2,580,504   | 10/1986                        | FR  |   |                |
|                    |                       | 1,323,090   | 7/1987                         | SU  |   |                |
|                    |                       | 594,960   | 3/1978                         | SU  |   |                |
|                    |                       |   |                                |   |   |                |
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|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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|  |                        | Application Number   | 10/729,634        |
|  |                        | Filing Date  | December 5, 2003  |
|  |                        | First Named Inventor   | Peter M. Bonutti  |
|  |                        | Art Unit   | 3731              |
|  |                        | Examiner Name  | Michael H. Thaler |
| Sheet 2 of 3   | Attorney Docket Number | 2500 DIV II CON II DIV III CON IV<br>203-3515 DIV II CON II DIV III CON IV |                   |

| NON PATENT LITERATURE DOCUMENTS |                       |   |                |
|---------------------------------|-----------------------|---|----------------|
| Examiner Initials*              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|                                 |                       | Rafael CINELLI, M.D., "The Inflatable Silastic Bag: A Practical Device that Simplifies Augmentation Mammoplasty." From the Division of Plastic Surgery, Department of Surgery, at the Maimonides Medical Center and Medical Arts Center of New York.            |                |
|                                 |                       | Bruce M. RIGG, M.D., "Inflatable Device for Intraoperative Use During Augmentation Mamaplasty."--Reconstructive Surgery, May 1982.  |                |
|                                 |                       | Gordon H. SASAKI, M.D., "Intraoperative Sustained Limited Expansion (ISLE) as an Immediate Reconstructive Technique." Clinics in Plastic Surgery--vol. 14, No. 3, Jul. 1987.  |                |
|                                 |                       | Gordon H. Sasaki, M.D., "Intraoperative Expansion.TM. as an Immediate Reconstructive Technique." Facial Plastic Surgery, 5:4, Jul. 1988.  |                |
|                                 |                       | Declaration of Bela S. Denes, M.D., in Support of GSI's Opposition to Origin's Motion for Summary Judgment of Invalidity.   |                |
|                                 |                       | Declaration of John H. Payne, M.D., in Support of GSI's Opposition to Origin's Motion for Summary Judgment of Invalidity.   |                |
|                                 |                       | Declaration of Rafael Cinelli, M.D., in Support of GSI's Opposition to Origin's Motion for Summary Judgment of Invalidity.  |                |
|                                 |                       | Rebuttal Expert Report of John H. Payne, M.D.   |                |
|                                 |                       | Rebuttal Expert Report of Rafael Cinelli, M.D.  |                |
|                                 |                       | Expert Report of Ernest K. Manders, M.D., executed date Dec. 1, 1997.   |                |

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|--------------------|--|-----------------|--|
| Examiner Signature |  | Date Considered |  |
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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| Sheet 3  | of 3 | Attorney Docket Number   | 2500 DIV II CON II DIV III CON IV<br>203-3515 DIV II CON II DIV III CON IV |

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|---------------------------------|-----------------------|---|----------------|
| Examiner Initials*              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|                                 |                       | Expert Report of Guy Voeller, M.D., executed date Dec. 1, 1997.   |                |
|                                 |                       | Declaration of Guy Voeller in Support of Origin's Motion for Summary Judgment of Invalidity   |                |
|                                 |                       | Henry T. HOFFMAN, M.D., and Shan H. BAKER, M.D. "Nasal Reconstruction with the Rapidly Expanded Forehead Flap," Laryngoscope, 99:1096-1098.   |                |
|                                 |                       | R. WITTMOSER, Retroperitoneoscopy: A Preliminary Report, pp. 760-761.   |                |
|                                 |                       | Dr. Sanchez de Badajoz CHAMMORRO et al., Stress Incontinence: A New Endoscopic Approach, Urology, vol. 36, No. 5, pp. 403-405.  |                |
|                                 |                       | Order Denying Plaintiff General Surgical Innovations, Inc.'s Motion for Partial summary Judgment of Claim 3 or U.S. Patent No. 5,514,153.   |                |
|                                 |                       | Declaration of Edward L. Felix, M.D., in Support of origin's Opposition to GSI's Motion for Partial Summary Judgment.   |                |
|                                 |                       | Uretropexia Laparoscopia, Arch. Esp. de Urol. 46, 7 (642-644) 1993 (With English Translation).  |                |
|                                 |                       | Urethropexia Laparoscopica Extraperitoneal, Arch. Esp. de Urol. 47.4 (415-418) 1994 (English Translation Attached).   |                |
|                                 |                       |   |                |

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